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November 23, 2020

Mr. Moe Marshall, President
Colony Board of Directors
1530 Palisade Ave.
Fort Lee, NJ 07024

Dear Mr. Marshall,

As you may know, ADL (the Anti-Defamation League) is a leading anti-hate organization founded in 1913 to stop the defamation of the Jewish people and secure justice and fair treatment for all. In accordance with our mission, we often assist community members in informally resolving complaints regarding antisemitism and/or discrimination on the basis of religion, and it is unfortunately in this context that we write to you today.

We were recently contacted by several Jewish residents of the Colony co-op who are deeply concerned by the Board's recent decision to stop providing them with essential religious accommodations during the Jewish Sabbath (often referred to as "Shabbat" or "Shabbos"). As background, during Shabbat, which runs from sundown on Friday until sundown on Saturday, there are many religious restrictions on what observant Jews can do, including prohibitions on turning on or off any electrically powered device, such as pressing the button of an elevator.

According to these residents, the Board recently discontinued any use of the building elevators' built-in "Shabbos mode" and instructed staff that they will be dismissed if they assist observant residents with the elevators moving forward.

We do not represent these constituents in this matter, nor are we in a position to verify the allegations that they have made. However, we find the information that they have shared with us to be extremely troubling, both from a legal and a community relations standpoint. If true, it warrants immediate attention and appropriate remedial action by your Board.

By way of example only, it is our understanding that following the Board's recent decision to eliminate its "Shabbos mode" elevator programming, co-op staff were specifically told not to assist observant Jewish residents with the operation of the elevators on Shabbat, as they had previously been permitted to do for at least 16 years prior to installation of new elevators.¹ It is our further understanding that, notwithstanding the forgoing, staff are still permitted to assist residents with the elevators for secular reasons (i.e., when residents need help because of old age or a disability, because they are carrying heavy packages, or for any other reason). If this is

¹ It has also been reported to ADL that management consistently told prospective residents that Colony staff would be available to assist them with the elevators on the Sabbath. Indeed, many residents are attracted to living at the Colony for this very reason.

accurate, such a policy would be discriminatory on its face, and likely violate both federal and state fair housing laws. At best, it denies observant Jewish residents a basic courtesy given to others, preventing them from attending synagogue (shul) on Shabbat in accordance with their faith.

We also remain very concerned about the Board's alleged continued resistance to permitting Shabbos elevator service in the building. While we understand that economic concerns, and/or inconvenience to other residents, are relevant considerations when contemplating use of a Shabbos elevator, those factors do not appear to be present here. Indeed, our understanding is that there has been majority support for the Shabbos elevator among the co-op's shareholders, and a general acknowledgement that this type of religious accommodation can help increase property values in the building. It is also our understanding that during the brief time that the "Shabbos-mode" elevator was functional, Jewish residents made every effort to limit disruptions, for example by limiting its use to only a few hours per week, limiting the number of stops the elevator would need to make, suggesting that the elevator make stops on the highest floor first, and suggesting that the elevator open only in the trash room, rather than the hallway, so as not to disturb other residents.

Nonetheless, the Board reportedly chose to discontinue use of Shabbos elevator service after less than a year in operation on the grounds that it was leading to a deterioration of the elevator doors and causing an inconvenience to other residents. This decision was apparently made even though residents claim that the Board has not been able to produce any documentation (or allow an independent consultant to be hired) to verify any harm resulting from Shabbos elevator service – either to the elevator doors or to other residents themselves.

At this point, observant Jewish residents who have relied on Shabbos-related accommodations at the Colony are being left with few options. And any prospective residents who may be interested in the building are being sent a clear message that observant Jews are unwelcome.

We therefore urge the Board to immediately reconsider its actions related to Shabbat elevator accommodations. We would be glad to work with you towards a mutually acceptable resolution and look forward to your prompt response to this matter.

Sincerely,



Scott Richman

ADL New York / New Jersey Regional Director

cc: Arthur Bartikofsky
Cyndy Pirrera